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**From:** Sivak, Michael  
**Sent:** Fri 1/20/2017 5:47:05 PM  
**Subject:** Newtown Creek: Extension of Negotiation Period for Dispute Concerning the Baseline Ecological Risk Assessment

EPA is writing in connection with the dispute concerning EPA's e-mail of December 8, 2016 directing that Anchor, on behalf of the respondents, provide to EPA by January 23, 2017, a modified Draft Baseline Ecological Risk Assessment ("BERA") responsive in full to EPA comments transmitted by the December 8 email. This dispute was invoked by letter dated December 22, 2016 (sent to EPA by email on December 22) on behalf of the Newtown Creek Group of respondents, pursuant to the "Administrative Settlement Agreement and Order on Consent for Remedial Investigation/Feasibility Study" ("AOC") at the Newtown Creek Superfund site.

Please be advised that pursuant to Paragraph 65 of the AOC, EPA has extended the Negotiation Period for the dispute until close of business on February 23, 2017.

The dispute will also address the date required for the submittal by respondents of an approvable BERA responsive to all EPA comments. Thus, in accordance with Paragraph 66 of the AOC, respondents will be required to submit the BERA on the date determined by agreement reached during the Negotiation Period for the dispute, or failing such agreement, on the date determined in accordance with EPA's decision on the dispute.

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